

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES OF OUTSTATE
MICHIGAN TROWEL TRADES
HEALTH & WELFARE FUND, et al.,

Plaintiffs,

Case No. 09-CV-12856

vs.

HON. GEORGE CARAM STEEH

ABBOTT CONSTRUCTION, INC.,

Defendant.

_____ /

ORDER GRANTING PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES AND COSTS [DOC. 33]

The plaintiffs are trustees of fringe benefit funds established through collective bargaining and maintained and administered pursuant to Section 302 of the Labor Management Relations Act of 1947 ("LMRA"), 29 USC §186, and the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 USC §1001, et seq. Plaintiffs brought an action against defendant Abbott Construction to collect fringe benefit contributions plus statutory and other damages allegedly owing pursuant to the collective bargaining agreement ("CBA"). On May 18, 2010 the court issued judgment against defendant, awarding plaintiffs \$47,104.60 in unpaid contributions, \$4,685.51 in pre-judgment interest, \$4,710.46 in liquidated damages on unpaid contributions, and \$1,436.18 in liquidated damages on contributions paid after they were due.

Plaintiffs now seek an award of attorneys fees and costs pursuant to 29 U.S.C. § 1132(g)(2)(D) and the fund's plan documents. Plaintiffs were charged for legal fees in the amount of \$13,113.00, billed at rates between \$130.00 and \$190.00 per hour for

attorneys. In addition, plaintiffs paid \$350 in costs incurred in filing the action. Plaintiffs seek a total award of \$13,463.00 in attorneys' fees and costs.

By stipulation, defendant's response to plaintiffs' motion was due July 19, 2010. To date, defendant has not filed a response to the motion for attorneys' fees and costs. The court has reviewed plaintiffs' request and supporting declaration, and finds the amounts sought to be reasonable and supported. Now, therefore,

Plaintiffs' motion for attorneys' fees and costs is GRANTED in the amount of \$13,463.00.

Dated: August 23, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 23, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk